

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CASE NO.: 2:15-CR-222
JUDGE SMITH
MAGISTRATE JUDGE DEAVERS**

EMILIO MEDINA-HUERTA,

Defendant.

ORDER

On October 16, 2015, the Magistrate Judge issued a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court accept Defendant's plea of guilty to Count 1 of the Indictment charging him with illegal reentry of a removed alien, in violation of 8 U.S.C. §1326(a)¹. Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Rule 11 of the Federal Rules of Criminal Procedure. Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact.

Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 14 days of the issuance of the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Defendant did not file any objections.

¹ The Report and Recommendation incorrectly states that Defendant pled guilty to a violation of 8 U.S.C. § 1626(a), however, it was actually 8 U.S.C. § 1326(a).

Accordingly, the Court **ADOPTS** the Report and Recommendation and **ACCEPTS** Defendant's plea of guilty. Defendant is hereby adjudged guilty of illegal reentry of a removed alien.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT